



Commission on Rehabilitation Counselor Certification

Accredited by the National Commission for Certifying Agencies

June 15, 2009

The Ethics Committee of the Commission on Rehabilitation Counselor Certification (CRCC) has had an opportunity to review your correspondence concerning a request for an advisory opinion.

The Ethics Committee of the CRCC provides advisory opinions on selected situations having ethical implications. These advisory opinions are provided as a general educational service and are rendered in response to limited and unverified information provided to the Committee. Therefore, the opinions expressed below should not be construed as direct advice regarding the unique or specific ethical or legal issues raised but are a general discussion of the ethical considerations applicable to the topic. The considerations described in the Committee's advisory opinion should be regarded only as the Committee's current interpretation of the CRCC Code of Professional Ethics (the "Code") as now in effect, and is not intended to address the laws, regulations or rules of any state, agency or other organization which may also bear on the issues addressed. Further, this advisory opinion should not be construed as legal advice and you are urged to contact your legal advisor with respect to any legal questions or issues that you may have relating to the topics discussed.

Your request pertained to three issues with the first being whether an individual counselor needs a release from a client in order to provide his/her reports to a Workers' Compensation Agency as part of the regulatory process. The Committee responded that these matters are typically outlined by the Agency and may differ depending on the Agency. CRCs are required to know and obey the laws and statutes of the jurisdiction in which they practice.

The second issue pertained to whether the Code would support sharing with the plaintiff attorney information that has not been generated by the CRC. The Committee responded that CRCs should not share information that they have not generated unless specifically authorized by the client to do so. Further, that such authorization should be in writing.

The third issue pertained to whether the CRC would need to have written consent or release of information from the client in order to participate in a workers' compensation deposition or mediation hearing. The Committee responded that consent is not required but that CRCs must be aware of their obligation to disclose the fact that they may be required to participate in a deposition or mediation hearing. Further, that such disclosure should also be in writing and may need to be provided more than just at the outset of the relationship (e.g. such as when there is a role change).

Standards in the Code effective January 1, 2002 that apply to this situation include A.3.a., A.3.c., B.1.a., B.1.f., B.1.g. B.3.e., and D.2.a. They read as follows:

A.3. CLIENT RIGHTS

- a. DISCLOSURE TO CLIENTS.** When counseling is initiated, and throughout the counseling process as necessary, rehabilitation counselors will inform clients, preferably through both written and oral means, of their credentials, the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, and other pertinent information. Rehabilitation counselors will take steps to ensure that clients understand the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements. Clients have the right to (1) expect confidentiality and will be provided with an explanation of its limitations, including disclosure to supervisors and/or treatment team professionals; (2) obtain clear information about their case records; (3) actively participate in the development and implementation of rehabilitation counseling plans; and (4) refuse any recommended services and be advised of the consequences of such refusal.
- c. INDIRECT SERVICE PROVISION.** Rehabilitation counselors who are employed by third parties as case consultants or expert witnesses, and who engage in communication with the individual with a disability, will fully disclose to the individual with a disability and/or his or her designee their role and limits of their relationship. Communication includes all forms of written or oral interactions regardless of the type of communication tool used. When there is no pretense or intent to provide rehabilitation counseling services directly to the individual with a disability, and where there will be no communication, disclosure by the rehabilitation counselor is not required. When serving as case consultants or expert witnesses, rehabilitation counselors will provide unbiased, objective opinions. Rehabilitation counselors acting as expert witnesses will generate written documentation, either in the form of case notes or a report, as to their involvement and/or conclusions.

Ms. Joanne Pfeffer, MA, LPC, CRC

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B.1. RIGHT TO PRIVACY

- a. **RESPECT FOR PRIVACY.** Rehabilitation counselors will respect clients' rights to privacy and will avoid illegal and unwarranted disclosures of confidential information.
- f. **MINIMAL DISCLOSURE.** When circumstances require the disclosure of confidential information, rehabilitation counselors will endeavor to reveal only essential information. To the extent possible, clients will be informed before confidential information is disclosed.
- g. **EXPLANATION OF LIMITATIONS.** When counseling is initiated and throughout the counseling process as necessary, rehabilitation counselors will inform clients of the limitations of confidentiality and will identify foreseeable situations in which confidentiality must be breached.

B.3. RECORDS

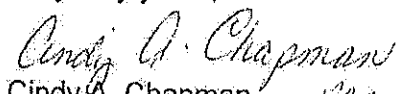
- e. **DISCLOSURE OR TRANSFER.** Rehabilitation counselors will obtain written permission from clients to disclose or transfer records to legitimate third parties unless exceptions to confidentiality exist as listed in Section B.1.

D.2. LEGAL STANDARDS

- a. **LEGAL VERSUS ETHICAL.** Rehabilitation counselors will obey the laws and statutes of the legal jurisdiction in which they practice unless there is a conflict with the Code, in which case they should seek immediate consultation and advice.

Thank you for your continued support of the certification process through the promotion of ethical practice.

Very truly yours,


Cindy A. Chapman
Executive Director

CAC/sas